

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

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OWEN W. BARNABY,  
Plaintiff- Appellant

)  
)

Vs.

) Hon. Robert J. Jonker  
) Hon. Mag. Sally J. Berens

MICHIGAN STATE GOVERNMENT, ET, AL  
Defendants- Appellees

) Case No. 1:22 -CV- 1146

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**WAIVER OF SERVICE  
OF  
SUMMONS AND COMPLAINT**

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The Summonses and copies Complaint were waived on January 30, 2024, by the following Defendants: 1). THE HONORABLE ELIZABETH T. CLEMENT, C.J ; 2). THE HONORABLE CHRISPHER M. MURRAY, C.J; 3). MICHIGAN COURT OF APPEALS, for the State of Michigan; 4). THE HONORABLE BRIDGET M. Mc CORMACK C.J; 5). THE HONORABLE ELIZABETH L. GLEICHER, C.J.

Hi Mr. Barnaby,

I am attaching a waiver of service for each of the newly added judicial defendants. While you have not provided me with the waiver requests as outlined in the first paragraph, I am in receipt of the third amended complaint and will not require you to provide those documents.

This waiver requires that the newly added defendants will respond to your third amended complaint within 60 days of today's date. I will be filing a motion to dismiss these defendants based upon their absolute judicial immunity as well as your failure to plead a claim against them. You have not identified any action taken by these defendants outside of their judicial functions.....

Thanks,

Kim  
Kimberly K. Pendrick, First Assistant  
Civil Rights & Elections Division  
Michigan Department of Attorney General  
3030 W. Grand Blvd., 10<sup>th</sup> Floor  
Detroit, Michigan 48202  
(517) 930-8842

Respectfully Submitted,

Dated: February 1, 2024,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.

**CERTIFICATE OF SERVICE**

The undersigned states that on the 1<sup>st</sup> day of February 2024, a duplicate original of Plaintiff's, "WAIVER OF SERVICE OF SUMMONS AND COMPLAINT" was filed with the Clerk of the Court, using the ECF System, which will provide electric notice to the parties of record, and I have emailed/mailed by U.S. Postal Service the same to non-ECP participants.

Respectfully Submitted,

Dated: February 1, 2024,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.

## UNITED STATES DISTRICT COURT

for the

Western District of Michigan

Owen Barnaby

*Plaintiff*

v.

Michigan State Government, et al.

*Defendant*

Civil Action No. 22-cv-01146

## WAIVER OF THE SERVICE OF SUMMONS

To: Owen Barnaby

*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/30/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 01/30/2024*Kimberly Pendrick**Signature of the attorney or unrepresented party*

Judge Elizabeth Clement

*Printed name of party waiving service of summons*

Kimberly K. Pendrick

*Printed name*3030 W. Grand Blvd, 10th Floor  
Detroit, Mi 48202*Address*

pendrickk@michigan.gov

*E-mail address**Telephone number*

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

## UNITED STATES DISTRICT COURT

for the

Western District of Michigan

Owen Barnaby

*Plaintiff*

v.

Michigan State Government, et al.

*Defendant*

Civil Action No. 22-cv-01146

## WAIVER OF THE SERVICE OF SUMMONS

To: Owen Barnaby

*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/30/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 01/30/2024*Kimberly Pendrick**Signature of the attorney or unrepresented party*

Michigan Court of Appeals

*Printed name of party waiving service of summons*

Kimberly K. Pendrick

*Printed name*3030 W. Grand Blvd, 10th Floor  
Detroit, Mi 48202*Address*

pendrickk@michigan.gov

*E-mail address**Telephone number*

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

Owen Barnaby

*Plaintiff*

v.

Michigan State Government, et al.

*Defendant*

Civil Action No. 22-cv-01146

WAIVER OF THE SERVICE OF SUMMONS

To: Owen Barnaby

*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/30/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 01/30/2024

Judge Elizabeth Gleicher

*Printed name of party waiving service of summons*

*Kimberly Pendrick*

*Signature of the attorney or unrepresented party*

Kimberly K. Pendrick

*Printed name*

3030 W. Grand Blvd, 10th Floor  
Detroit, Mi 48202

*Address*

pendrickk@michigan.gov

*E-mail address*

*Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

## UNITED STATES DISTRICT COURT

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\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*\_\_\_\_\_  
Civil Action No.

## WAIVER OF THE SERVICE OF SUMMONS

To: \_\_\_\_\_  
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from \_\_\_\_\_, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

*Kimberly Pendrick*  
\_\_\_\_\_  
Signature of the attorney or unrepresented party

\_\_\_\_\_  
*Printed name of party waiving service of summons*\_\_\_\_\_  
*Printed name*\_\_\_\_\_  
*Address*\_\_\_\_\_  
*E-mail address*\_\_\_\_\_  
*Telephone number*

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Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

## UNITED STATES DISTRICT COURT

for the

Western District of Michigan

Owen Barnaby

*Plaintiff*

v.

Michigan State Government, et al.

*Defendant*

Civil Action No. 22-cv-01146

## WAIVER OF THE SERVICE OF SUMMONS

To: Owen Barnaby

*(Name of the plaintiff's attorney or unrepresented plaintiff)*

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I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/30/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 01/30/2024*Kimberly Pendrick**Signature of the attorney or unrepresented party*

Judge Christopher Murray

*Printed name of party waiving service of summons*

Kimberly K. Pendrick

*Printed name*3030 W. Grand Blvd, 10th Floor  
Detroit, Mi 48202*Address*

pendrickk@michigan.gov

*E-mail address**Telephone number*

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